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500.33482CX5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. YANO, et al
Serial No.: 10/614,796
Filed: July 9, 2003
For: SPREAD SPECTRUM COMMUNICATION SYSTEM AND
TRANSMISSION POWER CONTROL METHOD THEREFOR
Group: 2616
Examiner: A. Patel

**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT (37 CFR §1.121)**

MS Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 26, 2007

Sir:

Applicants are in receipt of the October 24, 2007 Notice of Non-Compliant Amendment (37 CFR §1.121) wherein the Examiner indicated that the October 15, 2007 Amendment is considered non-compliant because it failed to meet the requirements of 37 CFR §1.121. Specifically, the Examiner indicates that "the drawings are not properly identified in the top margin as "Replacement Sheet", "New Sheet", or "Annotated Sheet" as required under 37 CFR §1.121(d) and "did not give instructions for the drawings".

In response to the October 24, 2007 Notice, Applicants submit that the October 15, 2007 Amendment was filed with Sketch 1 which illustrates a marked up version of Fig. 3 and Sketch 2 which illustrates a marked up version of Fig. 12. Applicants submit that Sketch 1 and Sketch 2 were attached to the Amendment so as to graphically illustrate to the Examiner the

unique and novel features of the present invention relative to the references of record. Sketch 1 and Sketch 2 were not intended to be Drawing Corrections. Specifically Sketch 1 and Sketch 2 were not intended to be a "Replacement Sheet", "New Sheet" nor "Annotated Sheet" under 37 CFR §1.121(d). Thus, identifying Sketch 1 and Sketch 2 as a "Replacement Sheet", "New Sheet" or "Annotated Sheet" was not necessary.

Accordingly, Applicants respectfully request that the Examiner continue with examination of the above-referenced application based on the October 15, 2007 Amendment with the attached Sketch 1 and Sketch 2.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.33482CX5).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120